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OGC HAS REVIEWED.

1 October 1953

MEMORANDUM FOR: The Director of Central Intelligence
SUBJECT: Personnel Reserve for the Central Intelligence Agency

1. PROBLEM

To examine factors relative to the establishment of a Personnel Reserve in the Central Intelligence Agency.

2. FACTS BEARING ON THE PROBLEM

Personnel reserve organizations have proved effective in augmenting the Military, Public Health, and Foreign Service by providing trained forces immediately available during initial periods and for duration of a national emergency.

To provide for an effective personnel reserve, it is essential that an agency have prior claim to the services of the reservist.

Training is an essential part of a reserve program.

Regular employment reinstatement rights should be available to the reservist to the maximum extent possible.

Remuneration of the reservist provides some incentive in any mutual agreement between a reservist and the active organization of which he is a part.

Sources for organization of a CIA reserve can be found in employee listings of predecessor organizations, separates in good standing of this Agency, and by direct recruitment.

3. DISCUSSION

In consideration of legislation that may be required to establish a Personnel Reserve for the Agency, study of "An Outline Plan for a Central Intelligence Agency Personnel Reserve" *(TAB A - which is an adaptation of the Coast Guard Plan) develops certain factors requiring further discussion:

* This plan outline has been developed for discussion purposes only. No recommendations are made on the merits, demerits or completeness of the plan.

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a. Intent to Serve

In consideration of trends in the development of the Agency career service program which avoid statutory obligations on the career member to serve in any post as may be required, it appears illogical to erect statutory obligations which are applicable only to a reserve component of this career service.

b. Exemption from Military Training and Draft

Lacking statutory precedent for blanket exemption from military training and draft for employees of civil organizations, government and non-government, it appears undesirable to consider legislation on this point for a reserve. Rather, it is considered desirable to extend present Agency agreements with the Selective Service concerning draft deferment for personnel assigned overseas, and with the Defense activity which provides for a 16-week program of equivalent military training - making both of these applicable to reservist employees when on active duty.

c. Reservist Regular Employment Reinstatement Rights

Precedent exists in statute establishing reserves in the military and in the Foreign Service which provides for restoration of positions held by reservists in various agencies of the United States Government or of the District of Columbia when ordered to duty subject to prior agreement or release for that duty by the agency heads in question. As regards reinstatement rights in non-government positions, no precedent other than that established under the Selective Training and Service Act of 1940 is available. To attempt to obtain such far-reaching benefits for reservists coming from civil employment (i.e., industry, etc.) is without precedent. This is a matter which would require detailed study by the General Counsel prior to its inclusion in any legislation on the subject of a reserve for this Agency. (TAB B - Excerpts from Statutes Providing for Employment Reinstatement).

d. Authority to Train

Present CIA legislation provides authority for employee training.

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The plan (TAB A) for establishment of a CIA Personnel reserve assumes that a reservist shall be brought to active duty on a scheduled basis. As such the reservist is, then, in fact, an employee of the Agency and it follows that this Agency has authority for payment of the reservist's salary as an employee of the Agency. TAB C contains some estimates on costs chargeable directly to a reserve.

Consideration of security clearances as a problem in administration of a personnel reserve has developed that it is one largely of additional cost due to an increase of the number of investigations that must be made to assure valid security clearances for each reservist employee. Continuing costs for this investigatory procedure are estimated in TAB C "Cost Estimates Directly Chargeable to Administration of a CIA Personnel Reserve". Provision of an adequate staff and funds to process reserve clearances on an annual or periodic basis is the answer to this problem.

Handling of security information in a reserve training program at the same time avoiding compromise of current operations, and, providing material of value to the reservist and the Agency, is interlocked with the form and organization of the reserve training program. A first premise in avoiding such compromise is that the reserve trainee should not be given on-the-job type training in certain components of the Agency. In other components on-the-job training is clearly appropriate. Considering these facts in a very general sense, a reserve training program appears entirely feasible provided the reservists are handled on a scheduled basis in courses carefully controlled and approved as to course content. TAB D - "Comments on a Reserve Training Program" provides further amplification of this.

Assignments in this Agency for reservists of other services are a problem which must be considered in the establishment of a CIA reserve. This is considered essential in view of the many well-qualified reservists of other services currently employed in the Agency or others who might be interested in serving the Agency during a national emergency but who probably could not be interested in a CIA reserve if required to give up their military or other reserve commission giving certain retirement benefits. The assignment of reservists of other services to this Agency is probably a problem for negotiation in each case between the Agency and those services in question, including reimbursement for all costs and salary incident to maintenance of a reservist contract.

Review of the sources for obtaining CIA reserve membership indicates that there are an estimated 4,500 cases of individuals who were employees of predecessor organizations, and an estimated 1,200 cases of individuals who have been separated from this Agency under honorable conditions. Of these cases, many may prefer to maintain reserve membership in other organizations in order to preserve retirement benefits, etc.

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4. CONCLUSIONS

It is concluded that a personnel reserve organization is desirable in order to insure orderly and effective augmentation of the Agency during initial periods and duration of a national emergency.

It is concluded that the Director of the Central Intelligence Agency has authority under existing law to train reservists on active duty and to obligate funds for that training. No legislation is required for this purpose.

Establishment of a prior claim by the Agency to a reservist employee's services is largely a matter of mutual agreement between the reservist, his employer, the military service where the individual is a member of a reserve in that service, and the Agency.

Administrative procedures affecting military draft and equivalent military training of employees should be made applicable to reservists on active duty.

Regular employment reinstatement rights for the reservist are desirable. No precedent in statute providing such rights exist other than that for United States Government employees. To insure reemployment rights for reservists who are employees of the United States Government and of the District of Columbia, legislation is recommended.

Maintenance of security clearances on reservist employees constitutes no problem other than approval by appropriate authority of an adequate staff and funds to care for the investigatory work which is chargeable to maintenance of security clearances.

Identifying reservists as employees in the pay of this Agency should not be construed to prevent any member of the reserve solely by reason of membership therein from practicing his civilian profession on occasion before or in connection with any department of the Federal government or the District of Columbia. This statement of reserve employee rights is a matter which may require legislation depending on the nature of the contract. It is suggested that this matter be studied in detail by the General Counsel.

5. ACTION RECOMMENDED

a. That the CIA Career Service Board approve the above conclusions and secure approval by the Director of the Central Intelligence Agency.

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b. That the Office of the General Counsel be requested to prepare appropriate legislation.

c. That the Office of the Assistant Director (Personnel) be requested to prepare appropriate justifications, supporting data, and appropriate regulations to effect this reserve program.

d. That the Deputy Director (Administration) be requested to assume over-all responsibility for action.

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